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In re Application of LYSENKO et al.  
Application No.: 10/566,041  
PCT No.: PCT/FR2004/050358  
Int. Filing Date: 27 July 2004  
Priority Date: 28 July 2003  
Attorney Docket No: 13885-3  
For: HYDROGEN RESERVOIR  
BASED ON SILICON NANO-  
STRUCTURES

DECISION ON PETITION UNDER  
37 CFR 1.181

This decision is in response to applicants' "THIRD REQUEST FOR CORRECTED NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 C.F.R. 1.495" filed in the United States Patent and Trademark Office (USPTO) on 21 January 2009, which is being treated herein as a petition under 37 CFR 1.181, requesting that the date of receipt of the U.S. Basic National Fee be changed from 13 October 2006 to 26 January 2006.

**BACKGROUND**

On 26 January 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a copy of the international application as required by 35 U.S.C. 371(c)(2).

On 08 December 2006, the USPTO mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER USC 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903), indicating the date of receipt of 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) requirements as 13 October 2006 and the date of completion of all 35 USC 371 requirements as 13 October 2006.

On 21 January 2009, applicant filed the current petition pursuant 37 CFR 1.181 requesting a corrected filing receipt, stating the correct receipt date of the U.S. Basic National Fee as 26 January 2006.

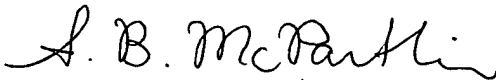
### DISCUSSION

A review of USPTO records indicates that authorization to charge the U.S. Basic National Fee to deposit account 503218 was received on 26 January 2006. The date indicated on the Notice of Acceptance mailed on 08 December 2006 was incorrect.

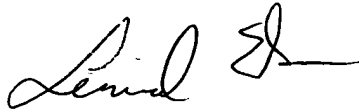
### CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.181 is GRANTED.

This application is being referred to the National Stage Processing (DO/EO/US) to vacate the 08 December 2006 Notice of Acceptance and for preparation and mailing of a corrected Notice of Acceptance which should indicate that the U.S. Basic National Fee was filed on 26 January 2006.



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